

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RANDALL DAVIS,

Plaintiff,

v.

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY, LINDA
HOFFMAN, in her individual and official
capacity; GORDON WHITE, in his individual
and official capacity; GAIL BLOMSTROM,
in her individual and official capacity; JOY
ST. GERMAINE, in her individual and official
capacity; and TOM FITZSIMMONS, in his
individual and official capacity,

Defendants.

Case No. C04-5509 RBL

ORDER ON MOTION
TO COMPEL DISCOVERY

THIS MATTER comes on before the above-entitled Court upon Defendant's Second Motion to Compel Discovery [Dkt. #66].

Having considered the entirety of the records and file herein, the Court rules as follows:

Plaintiff, Randall Davis, an African American has sued the State of Washington, Department of Ecology, and five current or former agency officials alleging that the defendants failed to promote him by way of reallocation of his job classification based upon race in violation of the Fourteenth Amendment, Title 42 U.S.C. §§ 1983 and 1985, Title VII of the Civil Rights Act of 1964, and the Washington Law Against Discrimination, RCW 49.60.030 and 49.60.180. Defendants, by way of this motion, seek to compel more

1 complete answers to interrogatory¹ numbers 5, 6, 7, 8, and 9.

2 The interrogatories at issue sought information about specific acts of discrimination, retaliation, and
3 differential treatment alleged against each defendant. For example, Interrogatory No. 6 asked:

4 Please state all facts known to you, which support any claims for wrongful
5 conduct against any or all defendants, which you include in this lawsuit but
which facts you have not identified or stated in response to Interrogatory No. 5.

6 Plaintiff answered the interrogatory as follows:

7 The Department of Ecology and the individually named Defendants
8 discriminated against Plaintiff on the basis of his race by refusing to fairly
and adequately compensate Plaintiff for the work he performs. Similarly
9 situated Caucasian employees performing the same tasks and with the
same responsibilities as Plaintiff are compensated by Defendants at a
10 higher rate of pay. Defendants have also publicly defamed Plaintiff by making
false statements regarding his job performance.

11 This answer is typical of the responses defendants complain about. The Court finds that this response “fully”,
12 Fed. R. Civ. P. 33(b)(1), answers the interrogatory as do the other answers to the interrogatories at issue.
13 Therefore, it is hereby

14 **ORDERED** that the Defendant’s Second Motion to Compel Discovery [Dkt. #66] is **DENIED**.

15 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party appearing
16 pro se.

17 Dated this 27th day of September, 2005.

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19 RONALD B. LEIGHTON
20 UNITED STATES DISTRICT JUDGE
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28 ¹The motion also sought clarification of documentation provided by plaintiff in response to requests for production.
Defendant’s reply indicates that plaintiff has complied with that request.